

Applicant : Walter Callen et al.
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Amendment to the Claims:

Please amend the claims as follows:

Please cancel claims 4 to 6, 9, 10, 12, 17, 45, 50, 53 and 54, without prejudice or disclaimer.

This listing of claims will replace all prior versions, and listing, of claims in the application:

Listing of Claims:

Claim 1 (currently amended): An isolated or recombinant nucleic acid comprising a consecutive sequence having at least 95% ~~[[85%]]~~ sequence identity to the sequence of SEQ ID NO:1 and encoding a polypeptide having polymerase activity, or, sequences fully complementary thereto.

Claim 2 (previously presented): The isolated or recombinant nucleic acid of claim 28, wherein the polymerase activity is retained at the temperature for four or more hours.

Claim 3 (previously presented): The isolated or recombinant nucleic acid of claim 1, comprising a sequence as set forth in SEQ ID NO:1, or, sequences fully complementary thereto.

Claims 4 to 6 (canceled)

Claim 7 (previously presented): The isolated or recombinant nucleic acid of claim 1, wherein the sequence identity is determined by analysis with a sequence comparison algorithm.

Claims 8 to 10 (canceled)

Claim 11 (previously presented): The isolated or recombinant nucleic acid of claim 7, wherein the sequence comparison algorithm is FASTA version 3.0t78 with the default parameters.

Claims 12 to 15 (canceled)

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Claim 16 (previously presented): An isolated or recombinant nucleic acid encoding (a) a polypeptide having polymerase activity and a sequence as set forth in SEQ ID NO:2, or (b) enzymatically active fragments of (a).

Claims 17 to 27 (canceled)

Claim 28 (previously presented): The isolated or recombinant nucleic acid of claim 1, wherein the polypeptide has a polymerase activity at a temperature in a range from about 90°C to 113°C.

Claim 29 (previously presented): The isolated or recombinant nucleic acid of claim 1, wherein the polypeptide has a polymerase activity at a temperature up to 150°C.

Claim 30 (previously presented): The isolated or recombinant nucleic acid of claim 1, wherein the polymerase activity comprises a DNA polymerase activity.

Claim 31 (previously presented): The isolated or recombinant nucleic acid of claim 1, wherein the polymerase comprises a 3'-5' exonuclease activity.

Claim 32 (previously presented): The isolated or recombinant nucleic acid of claim 1, wherein the polymerase lacks a 3'-5' exonuclease activity.

Claim 33 (previously presented): The isolated or recombinant nucleic acid of claim 1, wherein the polypeptide has a polymerase activity in salinity conditions from 5 mM to 200 mM salt.

Claim 34 (withdrawn): A method for amplifying a nucleic acid comprising using a polymerase as set forth in claim 1.

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Claim 35 (withdrawn): The method of claim 34, wherein the amplification reaction is a polymerase chain reaction (PCR).

Claim 36 (previously presented): The isolated or recombinant nucleic acid of claim 1, wherein the nucleic acid further comprises an expression vector.

Claim 37 (previously presented): The isolated or recombinant nucleic acid of claim 36, wherein the expression vector comprises a viral particle, a baculovirus, a phage, a plasmid, a cosmid, a fosmid, a bacterial artificial chromosome, a viral DNA or a P1-based artificial chromosome.

Claim 38 (currently amended): A method for identifying functional polymerases ~~polypeptide fragments or variants encoded by fragments of SEQ ID NO: 1, and sequences as set forth in claim 1, that retain the polymerase function of the polypeptide of SEQ ID NO: 2, and sequences substantially identical thereto, said assay comprising:~~

modifying the sequence of utilizing a polypeptide encoded by a nucleic acid as set forth in claim 1 ~~having at least 70% sequence identity to SEQ ID NO: 1, and sequences substantially identical thereto, or polypeptide fragment or variant encoded by SEQ ID NO: 1, to effect and testing the DNA polymerase activity of the modified polypeptide~~ in a PCR amplification at extreme high temperature for four or more hours and under conditions that allow said polypeptide or fragment or variant to function, and

detecting formation of an amplification product, wherein formation of the amplification product ~~identifies is indicative of a functional DNA polymerase polypeptide or fragment or variant.~~

Claim 39 (currently amended): A method for making a polypeptide comprising:

- (a) providing a nucleic acid having a sequence set forth in claim 1 ~~or claim 12~~; and
- (b) expressing the sequence, thereby expressing the polypeptide.

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Claim 40 (previously presented): The method of claim 39, wherein the nucleic acid further comprises an expression vector.

Claim 41 (previously presented): The method of claim 39, further comprising inserting the nucleic acid into a host cell and expressing the sequence in the host cell.

Claim 42 (previously presented): The method of claim 41, wherein the host cell is a prokaryotic or a eukaryotic cell.

Claim 43 (previously presented): The method of claim 41, wherein the host cell is a yeast cell, a bacterial cell, a mammalian cell, a fungal cell, an insect cell or a plant cell.

Claim 44 (currently amended): A method for producing a biologically active polypeptide and screening the polypeptide for enhanced activity by:

(a) introducing at least a first polynucleotide and a second polynucleotide, the at least first polynucleotide and second polynucleotide sharing at least one region of partial sequence homology, into a suitable host cell, wherein the first or second polynucleotide comprises a sequence as set forth in claim 1 ~~or claim 12~~;

(b) growing the host cell under conditions which promote sequence reorganization, resulting in a hybrid polynucleotide;

(c) expressing a hybrid polypeptide encoded by the hybrid polynucleotide of (b); and

(d) screening the hybrid polypeptide of (c) for biological activity under conditions which promote identification of enhanced biological activity.

Claim 45 (canceled)

Claim 46 (currently amended): An isolated or recombinant nucleic acid ~~comprising~~ encoding a sequence having at least 95% sequence identity to SEQ ID NO:1 and encoding a polypeptide having polymerase activity, wherein the polypeptide has ~~(a)~~ the sequence as set forth

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in SEQ ID NO: 2, ~~or (b) a sequence comprising enzymatically active fragments of SEQ ID NO:2,~~ and the polypeptide has at least one conservative amino acid residue substitution,

wherein the conservative amino acid residue substitution comprises substitution of one amino acid for another of the same class.

Claim 47 (previously presented): The isolated or recombinant nucleic acid of claim 46, wherein the at least one conservative amino acid residue substitution comprises substitution of one hydrophobic amino acid for another, or substitution of one polar amino acid for another.

Claim 48 (previously presented): The isolated or recombinant nucleic acid of claim 47, wherein the at least one conservative hydrophobic amino acid residue substitution comprises substitution of at least one isoleucine, valine, leucine or methionine, for another.

Claim 49 (previously presented): The isolated or recombinant nucleic acid of claim 47, wherein the at least one polar amino acid residue substitution comprises substitution of arginine for lysine, glutamic acid for aspartic acid, or glutamine for asparagine.

Claim 50 (canceled)

Claim 51 (currently amended): An isolated or recombinant nucleic acid that encodes a polymerase, wherein the polymerase comprises a sequence having that is a variant of SEQ ID NO:2, and the variant polymerase sequence has at least 95% ~~[[85%]]~~ sequence identity to SEQ ID NO:2, ~~and the sequence variation of SEQ ID NO:2 is not at the active site of the polymerase encoded by the nucleic acid.~~

Claim 52 (currently amended): An isolated or recombinant nucleic acid that encodes a polymerase, wherein the polymerase comprises a sequence having that is a variant of SEQ ID NO:2, and the variant polymerase sequence has at least 97% ~~[[85%]]~~ sequence identity to at least ~~200~~ consecutive residues of a polypeptide having a sequence as set forth in SEQ ID NO:2, ~~and the sequence variation of SEQ ID NO:2~~

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~~is not at the active site of the polymerase encoded by the nucleic acid.~~

Claims 53 and 54 (canceled)

Claim 55 (currently amended): The isolated or recombinant nucleic acid of claim 1 [[4 or claim 5]], wherein the nucleic acid has at least 97% sequence identity to a sequence as set forth in SEQ ID NO:1.